





**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI**

**Southern and Southwestern Divisions**  
United States Courthouse  
222 North John Q. Hammons Parkway  
Suite 1400  
Springfield, Missouri 65806  
(417) 865-3869

Transfer of  Criminal Case or  Magistrate Case  
WDMO Case No.: 20-mj-2006DPR Case Title: USA v. Zachary Hayes Martin

Dear Sir/Madam:

Pursuant to  F.R.Cr.P. 5  F.R.Cr.P. 32

- Attached are all public documents and the docket sheet.
- Certified copy of documents filed prior to November 1, 2004 and docket sheet.
- Not for public view document(s).
- Other

Pursuant to F.R.Cr.P. 20

- Attached are all public documents and the docket sheet.
- Certified copy of documents filed prior to November 1, 2004 and docket sheet.
- Not for public view document(s).
- Other

Pursuant to 18 U.S.C. § 3605 Transfer of Jurisdiction  Supervised Release  Probation

- Attached are the last charging document, the judgment and commitment, revocation orders (if any), and the docket sheet.
- Certified copy of documents filed prior to November 1, 2004 and docket sheet.
- Not for public view document(s).
- Other

Sincerely,

Paige Wymore-Wynn, Clerk of Court

By s/ Karla Berziel  
Deputy Clerk

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**TO BE COMPLETED BY RECEIVING DISTRICT**

Please acknowledge receipt via e-mail to [Karla\\_Berziel@mow.uscourts.gov](mailto:Karla_Berziel@mow.uscourts.gov)

Clerk, U.S. District Court

Date: \_\_\_\_\_

By \_\_\_\_\_  
Deputy Clerk

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
Zachary Hayes Martin
aka Zac Martin
02/18/1976

Defendant(s)

) Case: 1:21-mj-00150
) Assigned to: Judge Zia M. Faruqui
) Assign Date: 1/21/2021
) Description: COMPLAINT W/ ARREST WARRANT

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of in the
District of Columbia, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. § 1752(a)(1) and (2), 40 U.S.C. § 5104(e)(2)(D) and (G), and descriptions like Restricted Buildings or Grounds, Unlawful Activities on Capitol Grounds, etc.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet.

Handwritten signature of Michael J. McGillicuddy

Complainant's signature

Michael J. McGillicuddy, Special Agent
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by

Telephone (specify reliable electronic means).

Date: 01/21/2021

Handwritten signature of Zia M. Faruqui

2021.01.21
20:25:16 -05'00'

Judge's signature

City and state: Washington, DC

Zia M. Faruqui, U.S. Magistrate Judge
Printed name and title

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

I, Michael J. McGillicuddy, a Special Agent with the Federal Bureau of Investigation, Washington, D.C., being duly sworn, depose and state as follows:

**AGENT BACKGROUND**

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”). As such, I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a Government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request and execute arrest and search warrants pursuant to Title 18 U.S.C. §§3052 and 3107; and Department of Justice (“DOJ”) Regulations set forth at Title 28 C.F.R. §§ 0.85 and 60.2(a).

2. I have been employed by the FBI for approximately 15 years. During my tenure with the FBI, I have investigated and participated in the investigations of a variety of criminal matters. In addition to my regular duties, I am currently also tasked with investigating criminal activity that occurred in and around the Capitol grounds on January 6, 2021.

**PURPOSE OF AFFIDAVIT**

3. This affidavit is being submitted for the limited purpose of establishing probable cause to believe that ZACHARY HAYES MARTIN (“MARTIN”) has violated Title 18 U.S.C. § 1752(a)(1) and (2), Restricted Buildings or Grounds, and Title 40 U.S.C. § 5104(e)(2), Unlawful Activities on Capitol Grounds, as set forth below:

- a. Title 18 U.S.C. § 1752(a)(1) and (2): Restricted Building or Grounds - makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official

functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

- b. Title 40 U.S.C. § 5104(e)(2)(D) and (G): Unlawful Activities on Capitol Grounds - makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

4. The statements contained in this affidavit are based in part on: information provided by FBI Special Agents, Task Force Officers, and FBI Analysts, written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents, information gathered from the results of physical surveillance conducted by

law enforcement agents, reporting by eye witnesses, independent investigation and analysis by FBI Special Agents/Analysts and computer forensic professionals, and my experience, training and background as an FBI Special Agent. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. Instead, I have set forth only the facts that I believe are necessary to establish the necessary foundation for the requested complaint.

### **JURISDICTION**

5. This Court has jurisdiction to issue the requested warrant because it is a “court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A), and (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i). As discussed more fully below, the U.S. Attorney’s Office for the District of Columbia is investigating this case, which, among other things, involves possible violations of Title 18 U.S.C. § 1752, Restricted Buildings or Grounds, and Title 40 U.S.C. § 5104(e)(2), Unlawful Activities on Capitol Grounds. The conduct at issue includes an overt act in the District of Columbia, in the form of entering a restricted area around the U.S. Capitol on January 6, 2021, as part of a mob that disrupted the proceedings of Congress, engaged in property damage and theft, and caused physical injury.

### **BASIS FOR PROBABLE CAUSE**

6. On January 6, 2021, I was on duty and performing my official duties as a Special Agent with the FBI’s Washington Field Office (WFO). Specifically, I was deployed to the vicinity of the U.S. Capitol and tasked with investigating criminal activity in and around the Capitol grounds. As a Special Agent, I am authorized by law or by a Government agency to

engage in or supervise the prevention, detention, investigation, or prosecution of a violation of Federal criminal laws. The Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the Capitol. On January 6, 2021, the exterior plaza of the Capitol was also closed to members of the public.

7. On January 6, 2021, a joint session of the U.S. Congress convened at the U.S. Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the U.S. House of Representatives and the U.S. Senate were meeting in separate chambers of the Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

8. As the proceedings continued in both the U.S. House of Representatives and the U.S. Senate, and with Vice President Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

9. At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol;

however, shortly after 2:00 p.m., individuals in the crowd forced entry into the Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

10. Shortly thereafter, at approximately 2:20 p.m., members of the U.S. House of Representatives and U.S. Senate, including the President of the Senate, Vice President Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the U.S. Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the U.S. Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

11. During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

12. The FBI became aware of the involvement of MARTIN after a tip was submitted by W-1. W-1 stated that he/she had observed public posts on Facebook indicating that MARTIN was present at the U.S. Capitol during the riots and had “livestreamed” a video of himself in the U.S. Capitol building on Facebook. Based on my training and experience, I am aware that Facebook is an online social media platform accessible from both mobile devices and computers. I am also aware that Facebook is used by individuals around the world to post information and share content (including text, pictures, and video files, among other information) with “friends” (i.e., Facebook users that the accountholder has accepted as a member of the accountholder’s network) and/or the public. I am also aware that Facebook accountholders can “livestream” video content on Facebook, meaning that they can upload and display video content to other

Facebook users in real-time, can save this content for future viewing by Facebook users, and can choose who may view these videos (e.g., the accountholder can make the video “public” to all Facebook users or can limit the video so it is only visible to certain Facebook users). W-1 subsequently provided the FBI with screenshots he/she had observed circulating on Facebook, including a screenshot that appears to be from MARTIN’s livestream video (see Images 1 and 2 below).

Image 1



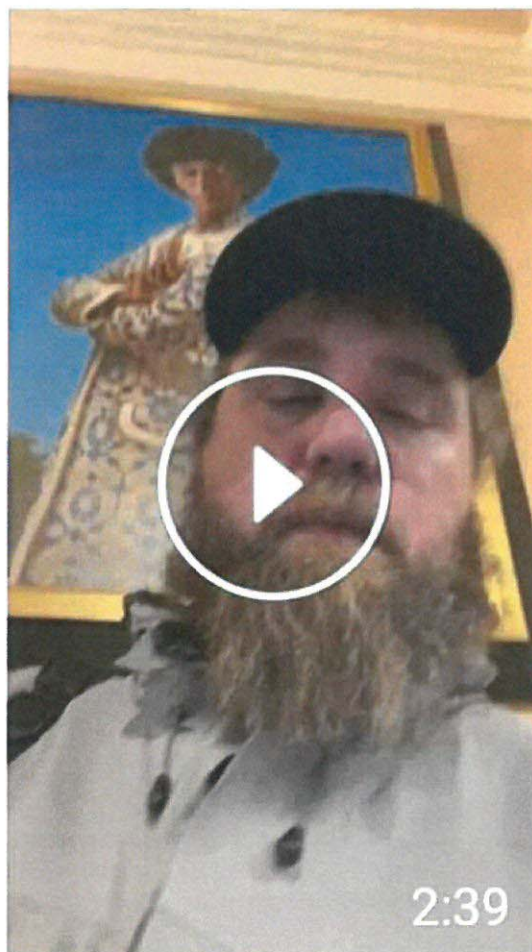
Image 2



13. An FBI Special Agent subsequently interviewed W-2, who indicated that he/she had met MARTIN in person and is friends with MARTIN on Facebook. W-2 stated that, on or

about January 6, 2021, he/she had watched a portion of a livestream video on MARTIN's Facebook account, and recognized MARTIN in the video. Based on this video, W-2 believed that MARTIN was inside the U.S. Capitol building during the riots. W-2 also provided the FBI Special Agent with a screenshot that he/she had found online, which he/she believed was a screenshot of the video he/she watched on MARTIN's Facebook account (*see* Image 3 below).

**Image 3**



Zac Martin

14. An FBI Special Agent also interviewed W-3, who indicated that he/she was familiar with what MARTIN looks like, having seen MARTIN in a neighboring community. W-3 indicated that he/she had seen a portion of a video livestreamed on Facebook, which he/she believed showed MARTIN in the U.S. Capitol building during the riots. W-3 was shown Image 2 and agreed it appeared to be from the video he/she had seen.

15. An FBI Special Agent interviewed W-4, who indicated that he/she had met MARTIN in person and was friends with MARTIN on Facebook. W-4 told the agent that he/she had spoken with MARTIN at a bar in Springfield, Missouri during the week leading up to January 6, 2021. During the conversation, MARTIN told W-4 that he was going to travel to Washington, D.C. W-4 told the agent that he/she saw a livestream video on MARTIN's Facebook account showing MARTIN walking through the U.S. Capitol building during the riots on January 6, 2021. W-4 was shown Image 2 and agreed it appeared to be from the video W-4 had seen on Facebook. W-4 was also shown Image 1 and confirmed that it matched MARTIN's Facebook profile, which W-4 believed had uploaded the video.

16. An FBI Special Agent interviewed W-5, who indicated that he/she had known MARTIN personally for several years. W-5 told the agent that he/she saw a livestream video on Facebook showing MARTIN in the U.S. Capitol building during the riots on January 6, 2021. W-5 also provided a phone number for MARTIN: XXX-XXX-4394. On or about January 16, 2021, the agent called that number and the voicemail indicated that the owner of the number was "Zac."

17. FBI investigation to date indicates that MARTIN's Facebook account was likely closed after January 6, 2021. On or about January 13, 2021, an FBI employee accessed Facebook but was unable to find an active account belonging to MARTIN. However, the FBI employee

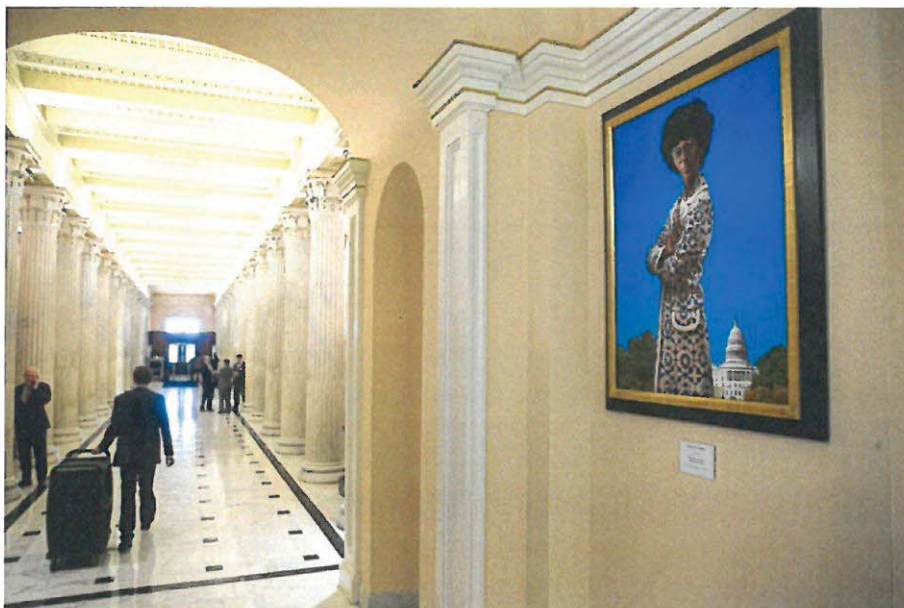
observed and took screenshots of public conversations between other Facebook users discussing MARTIN and his livestream video. One of these conversations claimed to provide a link to the video. While the link was no longer active by the time the FBI attempted to access it, based on my training and experience, I recognized that it included a specific Facebook User Identification (“UID”) number.

18. Records from Facebook confirmed that the above-referenced Facebook UID was registered using the vanity name “Zac Martin,” was associated with the phone number XXX-XXX-4394, and was closed on or about January 10, 2021 at 01:46:48 UTC.

19. On or about January 12, 2021, FBI personnel searched the Missouri Department of Revenue database for MARTIN’s driver’s license photograph. I believe the photograph they located for MARTIN is of the same person shown in the screenshots provided by the witnesses.

20. On or about January 17, 2021, an FBI Special Agent conducted a Google Image search to attempt to identify the picture behind MARTIN in Images 2 and 3. This Google search revealed a photo attributed to The New York Times, which shows a painting of former New York Congresswoman Shirley Chisholm located inside the U.S. Capitol building (*see* Image 4 below).

**Image 4**



I have reviewed the photo and its corresponding article in The New York Times, “Capitol Portraits, a Perk of Access, Become a Symbol of Excess Instead,” published February 5, 2016, which highlighted the painting of Congresswoman Chisholm as one of several portraits inside the U.S. Capitol building. The painting in the photo is consistent with the image behind MARTIN in Images 2 and 3.

### **CONCLUSION**

21. Based on the foregoing, I submit that there is probable cause to believe that ZACHARY HAYES MARTIN violated 18 U.S.C. § 1752(a)(1) and (2) and 40 U.S.C. § 5104(e)(2)(D) and (G).

Respectfully submitted,



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MICHAEL J. MCGILLICUDDY  
Special Agent, FBI Washington Field Office

Sworn to via telephone after submission by reliable electronic means, Fed. R. Crim. P. 3, 4(d),  
and 4.1, on this 21st, day of January 2021.



2021.01.21  
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ZIA M. FARUQUI  
UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

**MINUTE SHEET**

**UNITED STATES OF AMERICA**

**Date: January 29, 2021**

**vs.**

**Case No.: 21-mj-2006-DPR**

**ZACHARY HAYES MARTIN**

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**Honorable David P. Rush, presiding at Springfield, Missouri**

**Nature of Hearing: Rule 5(c)(3) Out – Initial Appearance**

**Time Commenced: 1:41 p.m.**

**Time Terminated: 1:45 p.m.**

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**APPEARANCES**

**Plaintiff: Jim Kelleher, AUSA**

**Defendant: Dee Wampler, Retained**

**USPPTS: Tracy Cowin**

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**Proceedings: Parties appear as indicated above. Defendant appears in person.**

**FPD's appointed for this district only. Government does not move for detention. Defendant advised of rights and questioned as to completion of the waiver of Rule 40 hearings. Defendant waives the right to an identity hearing and a detention hearing in this district.**

**Defendant has signed, and agrees to abide by, the *Appearance Bond and Order Setting Conditions of Release*. Defendant's next hearing will be 2/4/2021 at 1:00 p.m. Eastern Standard time virtually with the District of Columbia.**

**Defendant released on bond.**

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**Courtroom Deputy/ERO: Karla Berziel**

UNITED STATES DISTRICT COURT

for the

Western District of Missouri

United States of America )

v. )

Case No. 20-mj-2006DPR

ZACHARY HAYES MARTIN )

Charging District's Case No. 1:21-mj-00150

Defendant )

WAIVER OF RULE 5 & 5.1 HEARINGS (Complaint or Indictment)

I understand that I have been charged in another district, the (name of other court) District of Columbia

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
(2) an identity hearing to determine whether I am the person named in the charges;
(3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
(4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
(5) a hearing on any motion by the government for detention;
(6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- [X] an identity hearing and production of the warrant.
[] a preliminary hearing.
[] a detention hearing.
[] an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 1/29/2021

Handwritten signature of defendant

Defendant's signature

Handwritten signature of attorney

Signature of defendant's attorney

UNITED STATES DISTRICT COURT

for the

Western District of Missouri

United States of America )

v. )

Zachary H. Martin )

Case No. 21-mj-2006DPR

Defendant )

APPEARANCE BOND

Defendant's Agreement

I, Zachary Martin (defendant), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- ( X ) to appear for court proceedings;
( X ) if convicted, to surrender to serve a sentence that the court may impose; or
( X ) to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

- ( X ) (1) This is a personal recognizance bond.
( ) (2) This is an unsecured bond of \$
( ) (3) This is a secured bond of \$, secured by:
(a) \$, in cash deposited with the court.
(b) the agreement of the defendant and each surety to forfeit the following cash or other property (describe the cash or other property, including claims on it - such as a lien, mortgage, or loan - and attach proof of ownership and value):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

- ( ) (c) a bail bond with a solvent surety (attach a copy of the bail bond, or describe it and identify the surety):

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

AO 98 (Rev. 12/11) Appearance Bond

*Release of the Bond.* The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

**Declarations**

*Ownership of the Property.* I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

*Acceptance.* I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: \_\_\_\_\_

Defendant's signature

\_\_\_\_\_  
*Surety/property owner – printed name*

\_\_\_\_\_  
*Surety/property owner – signature and date*

\_\_\_\_\_  
*Surety/property owner – printed name*

\_\_\_\_\_  
*Surety/property owner – signature and date*

\_\_\_\_\_  
*Surety/property owner – printed name*

\_\_\_\_\_  
*Surety/property owner – signature and date*

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Approved.

Date: 1/29/2021

Judge's signature

UNITED STATES DISTRICT COURT
for the
Western District of Missouri

United States of America

v.

Zachary H. Martin

Defendant

)
)
)
)
)

Case No. 21-mj-2006DPR

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
(2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
(3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
(4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: tele-hearing (Zoom) for District Court
Place
for District of Columbia

on 2-4-2021 @ 1pm EST
Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

**ADDITIONAL CONDITIONS OF RELEASE**

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- ( ) (6) The defendant is placed in the custody of:  
 Person or organization \_\_\_\_\_  
 Address (only if above is an organization) \_\_\_\_\_  
 City and state \_\_\_\_\_ Tel. No. \_\_\_\_\_
- who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.
- Signed: \_\_\_\_\_  
 \_\_\_\_\_ Custodian \_\_\_\_\_ Date
- (X) (7) The defendant must:
- (X) (a) submit to supervision by and report for supervision to the pretrial services as directed,  
 telephone number \_\_\_\_\_, no later than \_\_\_\_\_.
- ( ) (b) continue or actively seek employment.
- ( ) (c) continue or start an education program.
- (X) (d) surrender any passport to: supervising pretrial services officer
- (X) (e) not obtain a passport or other international travel document.
- (X) (f) abide by the following restrictions on personal association, residence, or travel: Western District of Missouri unless granted permission by supervising officer; No travel to DC area unless for Court proceedings and/or meet with counsel
- (X) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: \_\_\_\_\_
- ( ) (h) get medical or psychiatric treatment: \_\_\_\_\_
- ( ) (i) return to custody each \_\_\_\_\_ at \_\_\_\_\_ o'clock after being released at \_\_\_\_\_ o'clock for employment, schooling, or the following purposes: \_\_\_\_\_
- ( ) (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.
- (X) (k) not possess a firearm, destructive device, or other weapon.
- (X) (l) not use alcohol (X) at all ( ) excessively.
- (X) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- (X) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.
- (X) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.
- ( ) (p) participate in one of the following location restriction programs and comply with its requirements as directed.
- ( ) (i) **Curfew.** You are restricted to your residence every day ( ) from \_\_\_\_\_ to \_\_\_\_\_, or ( ) as directed by the pretrial services office or supervising officer; or
- ( ) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or
- ( ) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.
- ( ) (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.  
 ( ) You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.
- (X) (r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- (X) (s) Report to pretrial services prior to any court appearance.

**ADVICE OF PENALTIES AND SANCTIONS**

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (i.e., in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of the Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

\_\_\_\_\_  
*Defendant's Signature*

\_\_\_\_\_  
*City and State*

**Directions to the United States Marshal**

- ( ) The defendant is ORDERED released after processing.
- ( ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 1/29/2021

\_\_\_\_\_  
*Judicial Officer's Signature*

Chief U.S. Magistrate Judge David P. Rush

\_\_\_\_\_  
*Printed name and title*

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL

**U.S. District Court  
Western District of Missouri (Springfield)  
CRIMINAL DOCKET FOR CASE #: 6:21-mj-02006-DPR All Defendants**

Case title: USA v. Martin

Date Filed: 01/29/2021

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Assigned to: Magistrate Judge  
David P. Rush

**Defendant (1)**

**Zachary Hayes Martin**

represented by **Dee Wampler**  
The Law Office of Dee Wampler & Joseph S.  
Passanise  
2974 E. Battlefield  
Springfield, MO 65804  
(417) 882-9300  
Fax: (417) 882-9310  
Email: [dee@deewampler.com](mailto:dee@deewampler.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*  
*Bar Status: Active*

**Pending Counts**

None

**Disposition**

**Highest Offense Level  
(Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level  
(Terminated)**

None

**Complaints**

18:3583.F

**Disposition**

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**Plaintiff**

USA

represented by

**James Joseph Kelleher**

United States Attorney's Office—Spgfd  
 901 St. Louis Street  
 Suite 500

Springfield, MO 65806–2511  
 (417) 831–4406

Email: [James.Kelleher@usdoj.gov](mailto:James.Kelleher@usdoj.gov)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

*Designation: Assistant US Attorney*

*Bar Status: Active*

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Page	Docket Text
01/29/2021	<u>1</u>		RULE 5 as to Zachary Hayes Martin (1). (Attachments: # <u>1</u> Affidavit) (Berziel, Karla) (Entered: 01/29/2021)
01/29/2021	<u>2</u>		Minute Entry for proceedings held before Magistrate Judge David P. Rush: INITIAL APPEARANCE in Rule 5(c)(3) Proceedings as to Zachary Hayes Martin held on 1/29/2021. Time in court: 1:41 p.m. to 1:45 p.m. To order a transcript of this hearing please contact Karla Berziel, 417–865–3869. DEFENDANT ON BOND. (Berziel, Karla) (Entered: 01/29/2021)
01/29/2021	<u>3</u>		WAIVER of Rule 5(c)(3) Hearings by Zachary Hayes Martin. (Berziel, Karla) (Entered: 01/29/2021)
01/29/2021	<u>4</u>		APPEARANCE BOND ENTERED as to Zachary Hayes Martin. (Berziel, Karla) (Entered: 01/29/2021)
01/29/2021	<u>5</u>		ORDER setting conditions of release as to Zachary Hayes Martin. Defendant released on a personal recognizance bond. (Berziel, Karla) (Entered: 01/29/2021)